

**UNITED STATES DISTRICT COURT**  
**Eastern District of New York**

Perrong  
 - v -

Charles Baratta, LLC

Presiding Judge: **Joanna Seybert, Senior U.S.D.J.**

Case No(s).: **21-cv-0996-JS-AYS**

Date: **1/20/2022**

Time in Court: 29 mins.

**MINUTE ENTRY FOR A CIVIL PROCEEDING**

**SEALED PROCEEDING: ☐ Yes ☒ No**

**I. APPEARANCES:**

Plaintiff : **Avi Kaufman, Esq.**  
 :  
 Defendant : **David Kruegar, Esq.**  
 Defendant : **Laura Kogan, Esq.**  
 Defendant : **Jonathan Bruno, Esq.**  
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 :  
 :  
 :  
 :

Court Reporter:  
 FTR Time: **3:07 - 3:36**  
 Courtroom Deputy: **Eric L. Russo**

**II. PROCEEDINGS HELD:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Discovery Conference                   | <input type="checkbox"/> Initial Conference             | <input checked="" type="checkbox"/> Pre-Motion Conference |
| <input type="checkbox"/> Evidentiary Hearing                    | <input type="checkbox"/> Motion Hearing/Oral Argument   | <input type="checkbox"/> Status/Pre-Trial Conference      |
| <input type="checkbox"/> Fairness Hearing/Settlement Conference | <input type="checkbox"/> Preliminary Injunction Hearing | <input type="checkbox"/> Show Cause Hearing               |

☒ Other: Proceedings held via the Court's teleconferencing system.

**III. PROCEEDINGS SUMMARY:**

☒ The following proceedings were held regarding defendants' proposed motion to dismiss (see DE 54 and 55).

- ☐ Initial Conference held.
- ☐ The parties summarized the details of the case.
  - ☐ The parties were directed to file a proposed discovery schedule on or before:
  - ☐ The Court adopted the joint proposed discovery schedule ☐ in its entirety; ☐ with revisions.
  - ☐ A discovery schedule
    - ☐ will be entered under a separate order pursuant to the conference held.
    - ☐ was set as follows:
      - ☐ Exchange of Rule 26(a)(1) disclosures:
      - ☐ Service of first interrogatories and document demands:
      - ☐ Responses to first interrogatories and document demands:
      - ☐ Motions to join new parties or amend the pleadings:
      - ☐ Meet/confer regarding Rule 30(b)(6) depositions:
      - ☐ Completion of all fact depositions:
      - ☐ Identification of case-in-chief experts and service of Rule 26 disclosures:
      - ☐ Identification of rebuttal experts and service of Rule 26 disclosures:
      - ☐ Completion of **all discovery**, fact and expert:
      - ☐ Commencement of summary judgment motion practice:
  - ☐ The Court respectively refers all remaining discovery matters to Magistrate Judge

- ☐ Discovery Conference held.
- ☐ The parties advised the Court of the status of discovery in this case.
  - ☐ The parties were directed to file a proposed amended discovery schedule on or before:
  - ☐ The Court adopted the joint proposed amended discovery schedule ☐ in its entirety; ☐ with revisions.
  - ☐ The discovery schedule
    - ☐ will be amended and entered under a separate order pursuant to the conference held.
    - ☐ was amended as follows:
      - ☐ Exchange of Rule 26(a)(1) disclosures:
      - ☐ Service of first interrogatories and document demands:
      - ☐ Responses to first interrogatories and document demands:
      - ☐ Motions to join new parties or amend the pleadings:
      - ☐ Meet/confer regarding Rule 30(b)(6) depositions:
      - ☐ Completion of all fact depositions:
      - ☐ Identification of case-in-chief experts and service of Rule 26 disclosures:
      - ☐ Identification of rebuttal experts and service of Rule 26 disclosures:
      - ☐ Completion of all discovery, fact and expert:
      - ☐ Commencement of summary judgment motion practice:
  - ☐ The Court respectively refers all remaining discovery matters to Magistrate Judge

- ☒ Pre-Motion Conference held.
- ☒ Parties arguments were heard regarding the proposed motion(s).
  - ☒ The following briefing schedule was set:
    - ☒ Defendants' Motion(s) due by: **2/22/2022**
    - ☒ Plaintiff's Response(s) and/or Cross Motion(s) due by: **3/14/2022**
    - ☒ Defendants' Reply(ies) and/or Response(s) to Cross Motion(s) due by: **3/24/2022**
    - ☐ Reply(ies) to Cross Motion(s) due by:
  - ☐ The parties were directed to file a proposed briefing schedule on or before:
  - ☐ The parties agreed to file fully briefed motion(s) on or before:
  - ☐ The Movant(s) shall provide the Court with courtesy copies of the fully-briefed motion(s).
  - ☐ The individual parties shall provide the Court with courtesy copies of their individual submissions.
  - ☐ The Court respectively refers the motion(s) to Magistrate Judge
    - ☐ for purposes of submitting a Report and Recommendation for this Court's consideration.
    - ☐ to rule on the motion(s) in its entirety.

- ☐ Status/Pre-Trial Conference held.
- ☐ The parties advised the Court of the status of this case.
  - ☐ The following briefing schedule was set:
    - ☐ Motion(s) due by:
    - ☐ Response(s) and/or Cross Motion(s) due by:
    - ☐ Reply(ies) and/or Response(s) to Cross Motion(s) due by:
    - ☐ Reply(ies) to Cross Motion(s) due by:
  - ☐ The parties were directed to file a proposed briefing schedule on or before:
  - ☐ The parties agreed to file fully briefed motion(s) on or before:
  - ☐ The Movant(s) shall provide the Court with courtesy copies of the fully-briefed motion(s).
  - ☐ The individual parties shall provide the Court with courtesy copies of their individual submissions.
  - ☐ The Court respectively refers the motion(s) to Magistrate Judge
    - ☐ for purposes of submitting a Report and Recommendation for this Court's consideration.
    - ☐ to rule on the motion(s) in its entirety.
  - ☐ The Court accepted the joint pretrial order ☐ in its entirety; ☐ with revisions.
  - ☐ The Court deemed this case ready for trial.
  - ☐ The parties were directed to file their proposed *voir dire* by:
  - ☐ The parties were directed to file their proposed *request to charge* by:

- ☐ Motion Hearing/Oral Argument held.
- ☐ Parties arguments were heard.
  - ☐ Witness(es) (☐ for the \_\_\_\_\_ ; ☐ for the \_\_\_\_\_ ) called and sworn; testimony given.
  - ☐ Exhibits were entered into evidence.
  - ☐ The motion was: ☐ granted; ☐ denied; ☐ granted, in part, and denied, in part.
  - ☐ The decision was: ☐ entered on the record; ☐ reserved.
  - ☐ The Court will issue a written decision.
- ☐ Fairness Hearing/Settlement Conference held.
- ☐ Settlement negotiations took place between the Court and the parties (*off the record*).
  - ☐ The parties outlined the details of the settlement agreement.
  - ☐ No party(ies) appeared opposing settlement.
  - ☐ Objections to the proposed settlement were heard.
  - ☐ The Motion for Settlement Approval was: ☐ granted; ☐ denied; ☐ granted, in part, and denied, in part.
  - ☐ The Motion for Attorney Fees was: ☐ granted; ☐ denied; ☐ granted, in part, and denied, in part.
  - ☐ The decision was: ☐ entered on the record; ☐ reserved.
  - ☐ The Court will issue a written decision.
- ☐ Evidentiary Hearing held.
- ☐ Parties arguments were heard.
  - ☐ Witness(es) (☐ for the \_\_\_\_\_ ; ☐ for the \_\_\_\_\_ ) called and sworn; testimony given.
  - ☐ Exhibits were entered into evidence.
  - ☐ The decision was: ☐ entered on the record; ☐ reserved.
  - ☐ The Court will issue a written decision.
- ☐ Preliminary Injunction Hearing held.
- ☐ Parties arguments were heard.
  - ☐ Witness(es) (☐ for the \_\_\_\_\_ ; ☐ for the \_\_\_\_\_ ) called and sworn; testimony given.
  - ☐ Exhibits were entered into evidence.
  - ☐ The motion was: ☐ granted; ☐ denied; ☐ granted, in part, and denied, in part.
  - ☐ The decision was: ☐ entered on the record; ☐ reserved.
  - ☐ The Court will issue a written decision.
- ☐ Show Cause Hearing held.
- ☐ Parties arguments were heard.
  - ☐ Witness(es) (☐ for the \_\_\_\_\_ ; ☐ for the \_\_\_\_\_ ) called and sworn; testimony given.
  - ☐ Exhibits were entered into evidence.
  - ☐ The motion was: ☐ granted; ☐ denied; ☐ granted, in part, and denied, in part.
  - ☐ The decision was: ☐ entered on the record; ☐ reserved.
  - ☐ The Court will issue a written decision.

**IV. OTHER RULINGS MADE DURING THE PROCEEDINGS:**

☐ The record of these proceedings is deemed sealed. Transcripts of this proceeding can be made available to the Court and the above listed parties in the case only.

☒ Other:

- For the reasons stated on the record, the Clerk's Entries of Default (DE 10 and 18) are hereby vacated.

**V. FURTHER PROCEEDINGS SET:**

☒ No further conferences or hearings have been set at this time.

<input type="checkbox"/> Bench Trial:	at	before Judge
<input type="checkbox"/> Discovery Conference:	at	before Judge
<input type="checkbox"/> Evidentiary Hearing:	at	before Judge
<input type="checkbox"/> Fairness Hearing:	at	before Judge
<input type="checkbox"/> Jury Selection:	at	before Judge
<input type="checkbox"/> Jury Trial:	at	before Judge
<input type="checkbox"/> Motion Hearing/Oral Argument:	at	before Judge
<input type="checkbox"/> Preliminary Injunction Hearing:	at	before Judge
<input type="checkbox"/> Pre-Motion Conference:	at	before Judge
<input type="checkbox"/> Pre-Trial Conference:	at	before Judge
<input type="checkbox"/> Settlement Conference:	at	before Judge
<input type="checkbox"/> Show Cause Hearing:	at	before Judge
<input type="checkbox"/> Status Conference:	at	before Judge

☐ Other instructions regarding the proceedings set: